

# Lawmaker seeks to rein in governor on death penalty cases

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February 12, 2014



State Sen. Steve O'Ban, R-Tacoma (left), speaks with a reporter Wednesday, Feb. 12, 2013 about his legislation countering Gov. Jay Inslee's moratorium on executions. O'Ban said that Inslee went around the Legislature when Inslee said he would suspend all executions in Washington during his time in office. MELISSA SANTOS — Staff writer





Republicans are firing back against Gov. Jay Inslee's announcement that he is suspending executions during his time in office by trying to restrain his power.

Sen. Steve O'Ban, R-Tacoma, announced Wednesday that he is introducing legislation that would limit the governor's ability to grant a universal reprieve to people on death row.

State law authorizes the governor to grant pardons or commute a death sentence. But O'Ban's legislation would prohibit a governor from exercising his or her powers of clemency until after receiving a recommendation from the state Clemency and Pardons Board.

The measure is a response to Inslee's Tuesday announcement that he plans to halt executions in Washington state throughout his governorship. Right now, nine men in Washington state are on death row.

O'Ban said that the governor overstepped his constitutional authority by granting clemency to all men currently on death row without reviewing each case or seeking a recommendation from the Clemency and Pardons Board.

The five-member board advises the governor on petitions to grant clemency or commute death-row sentences, and was established partly to consider a crime's effect on a victim's family and the surrounding community.

O'Ban said the governor's blanket announcement that he will choose not to execute death-row inmates subverts state policy as determined by the Legislature.

"The governor has to follow a procedure the Legislature has set up, and he didn't," O'Ban said Wednesday night. "The governor's role is to look on a case-by-case basis at a particular death row inmate, and see if there was some irregularity in the way the matter was prosecuted, or something like that. That's his role."

"It's the Legislature's prerogative to decide if as a policy matter if we're going to have this penalty for these aggravated, horrendous murders," O'Ban said.

Inslee's announcement didn't abolish the death penalty in Washington, and convicted felons could still be executed after he has left office. A legislative action would be required to eliminate capital punishment in the state.

State Attorney General Bob Ferguson said in a statement Tuesday that Inslee was acting within his constitutional power in regards to the death penalty cases.

"Washington's Constitution and state statutes grant the governor significant powers over the fate of individuals sentenced to death," Ferguson said in the statement. "Consequently, the governor has the authority to hit the 'pause' button for executions in Washington."

O'Ban said he expects a hearing will be held on his proposal soon, possibly next week, in the Senate Law & Justice Committee.

It's not clear what potential O'Ban's plan has to move forward in the Legislature. A deadline for bills to pass out of committees was Tuesday, and an extraordinary legislative action would be necessary for the Senate to bring the legislation up for a vote.

Senate Majority Leader Rodney Tom, D-Medina, said Wednesday that his focus this session remains on issues such as funding education and transportation.

"We're going to stick to the issues that really matter," Tom said.

David Postman, a spokesman for Inslee, said the governor's office would not comment on O'Ban's proposal Wednesday night.

A bill had not been formally introduced Wednesday, but O'Ban said the proposed legislation would be available for review Thursday morning.

Read more here: <http://www.theolympian.com/2014/02/12/2981303/republican-seeks-to-rein-in-governor.html#storylink=cpy>